

FILED

JUN 12 2014

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY

DDB TECHNOLOGIES, L.L.C.,
PLAINTIFF,

V.

FOX SPORTS INTERACTIVE
MEDIA, LLC,

DEFENDANT.

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CAUSE NO. A-11-CV-929-LY

VERDICT FORM

In answering these questions, you are to follow all of the instructions I have given you in the court's charge. As used in this Verdict Form, "DDB" means the Plaintiff DDB Technologies, L.L.C. and "Fox Sports" means the Defendant Fox Sports Interactive Media, LLC.

INFRINGEMENT

QUESTION NO. 1:

Has DDB proved by a preponderance of the evidence that Fox Sports literally infringed any of the asserted claims of the DDB Patents for the following accused products?

Check "Yes" or "No" in the space provided beside each particular claim.

'479 Patent Claims	Classic GameTrax for Football		Mobile GameTrax for Football		Website Scoreboard for Baseball	
	Yes	No	Yes	No	Yes	No
1		✓		✓		✓

'347 Patent Claims	Classic GameTrax for Football		Mobile GameTrax for Football		Website Scoreboard for Baseball	
	Yes	No	Yes	No	Yes	No
1		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
2		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
4		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
5		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

'862 Patent Claims	Classic GameTrax for Football		Mobile GameTrax for Football		Website Scoreboard for Baseball	
	Yes	No	Yes	No	Yes	No
1		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
2		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
4		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

'587 Patent Claims	Classic GameTrax for Football		Mobile GameTrax for Football		Website Scoreboard for Baseball	
	Yes	No	Yes	No	Yes	No
5		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
8		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

Please proceed to the next question.

QUESTION NO. 2:

Has DDB proved by a preponderance of the evidence that Fox Sports infringed one or more claims of the DDB Patents for the following accused products under the doctrine of equivalents?

Check "Yes" or "No" in the space provided beside each particular claim.

'479 Patent Claims	Classic GameTrax for Football		Mobile GameTrax for Football		Website GameTrax for Baseball		Mobile GameTrax for Baseball		Website Scoreboard for Baseball		Website Scorestrip for Baseball	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
1		✓		✓		✓		✓		✓		✓

'347 Patent Claims	Classic GameTrax for Football		Mobile GameTrax for Football		Website GameTrax for Baseball		Mobile GameTrax for Baseball		Website Scoreboard for Baseball		Website Scorestrip for Baseball	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
1		✓		✓		✓		✓		✓		✓
2		✓		✓		✓		✓		✓		✓
4		✓		✓		✓		✓		✓		✓
5		✓		✓		✓		✓		✓		✓

'862 Patent Claims	Classic GameTrax for Football		Mobile GameTrax for Football		Website GameTrax for Baseball		Mobile GameTrax for Baseball		Website Scoreboard for Baseball		Website Scorestrip for Baseball	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
1		✓		✓		✓		✓		✓		✓
2		✓		✓		✓		✓		✓		✓
4		✓		✓		✓		✓		✓		✓

'587 Patent Claims	Classic GameTrax for Football		Mobile GameTrax for Football		Website GameTrax for Baseball		Mobile GameTrax for Baseball		Website Scoreboard for Baseball		Website Scorestrip for Baseball	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
5		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
8		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

Please proceed to the next question.

WILLFULNESS

Answer Question No. 3 if you answered “Yes” for any of the claims listed in Question No. 1 or Question No. 2. Otherwise, do not answer Question No. 3 and please proceed to Question No. 4.

QUESTION NO. 3:

If you have found that Fox Sports infringed one or more of the asserted claims of DDB’s Patents, do you find that DDB has proved by clear and convincing evidence that Fox Sports’ infringement was willful?

Check “Yes” or “No” in the space provided beside each particular patent.

	Yes	No
'479 Patent		
'347 Patent		
'862 Patent		
'587 Patent		

Please proceed to the next question.

VALIDITY**QUESTION NO. 4:**

Has Fox Sports proved by clear and convincing evidence that any of the claims of the DDB Patents are invalid for obviousness?

Check "Yes" or "No" in the space provided beside each particular claim.

'479 Patent Claims		
	Yes	No
1	<input checked="" type="checkbox"/>	

'347 Patent Claims		
	Yes	No
1	<input checked="" type="checkbox"/>	
2	<input checked="" type="checkbox"/>	
4	<input checked="" type="checkbox"/>	
5	<input checked="" type="checkbox"/>	

'862 Patent Claims		
	Yes	No
1	<input checked="" type="checkbox"/>	
2	<input checked="" type="checkbox"/>	
4	<input checked="" type="checkbox"/>	

'587 Patent Claims		
	Yes	No
5	<input checked="" type="checkbox"/>	
8	<input checked="" type="checkbox"/>	

Please proceed to next question.

QUESTION NO. 5:

Has Fox Sports proved by clear and convincing evidence that any of the claims of the DDB Patents are invalid as anticipated?

Check "Yes" or "No" in the space provided beside each particular claim.

'479 Patent Claims	Claim 1	
	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

'347 Patent Claims	Claim 1		Claim 2		Claim 4		Claim 5	
	Yes	No	Yes	No	Yes	No	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

'587 Patent Claims	Claim 5		Claim 8	
	Yes	No	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

'862 Patent Claims	Claim 1		Claim 2		Claim 4	
	Yes	No	Yes	No	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please proceed to next question.

QUESTION NO. 6:

Has Fox Sports proved by clear and convincing evidence that any of the DDB Patents are unenforceable due to inequitable conduct?

Check "Yes" or "No" in the space provided beside each particular patent.

	<u>Yes</u>	<u>No</u>
'479 Patent	<input checked="" type="checkbox"/>	<input type="checkbox"/>
'347 Patent	<input checked="" type="checkbox"/>	<input type="checkbox"/>
'862 Patent	<input checked="" type="checkbox"/>	<input type="checkbox"/>
'587 Patent	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please proceed to the next question.

QUESTION NO. 7:

Has Fox Sports proved by a preponderance of the evidence that DDB's delay in filing suit against Fox Sports was unreasonably long and unjustifiable causing material prejudice to Fox Sports?

Check "Yes" or "No" in the appropriate blank.

Yes _____

No ☒ _____

Please proceed to the next question.

DAMAGES

Answer Question No. 8 if you have answered "Yes" for any claims listed in Question No. 1 or Question No. 2. Otherwise, do not answer Question No. 8.

QUESTION NO. 8:

What sum of money, if paid now, do you find by a preponderance of the evidence would fairly and reasonably compensate DDB for Fox Sports' infringement?

Answer in dollars and cents.

\$ N/A

Please proceed to the next page, and your Presiding Juror will sign the Verdict Form.

We, the jury, unanimously answered the preceding questions by a preponderance of the evidence or by clear and convincing evidence as instructed for each question.

Submitted the 12 day of June, 2014 at 1:45 o'clock P.m.

ORIGINAL SIGNATURE
REDACTED PURSUANT TO
GOVERNMENT ACT OF 2002
PRESIDING JUROR